

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MARCUS HEMPHILL,	:	Case No. 1:18-cv-497
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Karen L. Litkovitz
	:	
STATE OF OHIO (ODRC),	:	
	:	
Defendant.	:	

**ORDER ADOPTNG THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 6)
AND TERMINATING THIS CASE IN THIS COURT**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and submitted a Report and Recommendation. (Doc. 6). Plaintiff filed an Objection. (Doc. 7).¹

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby adopted in its entirety. Accordingly:

1. The Magistrate Judge's Report and Recommendation (Doc. 6) is **ADOPTED**;

¹ Plaintiff's Objection does not contain any argument or authority indicating that the Magistrate Judge erred in concluding that Plaintiff failed to states a claim under 42 U.S.C. § 1983 or the Americans with Disabilities Act, and, accordingly, is **OVERRULED**.

2. Plaintiff's Objection (Doc. 7) is **OVERRULED**;
3. Plaintiff's claims under 42 U.S.C. § 1983 and the Americans with Disabilities Act are **DISMISSED with prejudice**;
4. To the extent Plaintiff's Complaint asserts state law claims, the Court **DECLINES** to exercise supplemental jurisdiction under 28 U.S.C. § 1337(c)(3) and **DISMISSES** any such state law claims without prejudice;
5. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order would not be taken in good faith;
6. Plaintiff's Complaint is **DISMISSED**; and
7. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** in this Court.

IT IS SO ORDERED.

Date: 11/13/18

Timothy S. Black
Timothy S. Black
United States District Judge